



2025 Election Guidelines  
Office of the City Clerk

# | Contents

- I. General Information - 3
- II. Official Candidate Committees - 7
- III. Unofficial Candidate Committees - 12
- IV. Ballot Measure Committees - 14
- V. Campaign Finance Due Dates - 16
- VI. Independent Expenditures - 17
- VII. Restricted Campaign Activities - 18
- VIII. Frequently Asked Questions - 20
- IX. Key Definitions - 23
- X. Additional Resources - 27

# | General Information



## **Election Information on City Website**

The guideline is available on the City of Boulder’s website at <http://www.bouldercolorado.gov/elections>.

## **Election Administration - City Clerk’s Office**

Municipal elections in the City of Boulder are managed by the Boulder County Clerk and Recorder as coordinated elections and administered by the city clerk pursuant to the applicable provisions of the Charter and Code of the City of Boulder and the Colorado Municipal Election Code.

## **Campaign Finance Reform (CFR) Implementation**

Implementation of the City’s CFR Initiative is administered by the city clerk and her staff. Please contact the Elections Administrator, John Morse ([morsej@bouldercolorado.gov](mailto:morsej@bouldercolorado.gov)), with any questions.

Location:	Municipal Building 1777 Broadway, Boulder, CO 80302 (southwest corner of Broadway and Canyon Boulevard)
Mailing Address:	Office of the City Clerk City of Boulder P.O. Box 791 Boulder, CO 80306-2546
Telephone:	303-413-7806
Email:	<a href="mailto:cityclerksoffice@bouldercolorado.gov">cityclerksoffice@bouldercolorado.gov</a>

Boulder County – Voter Registration & Mail Ballot Process Information on voter registration and the mail ballot process should be directed to:

Boulder County Elections  
1750 33<sup>rd</sup> Street, Suite 200  
Boulder, CO 80301  
Telephone: 303-413-7740

**Date of Election**

The Regular Municipal Election will be held on Tuesday, November 4<sup>th</sup>, 2025.

**Mail Ballot Election**

The City of Boulder Regular Municipal Election will be conducted in coordination with Boulder County by mail ballot.

Ballots will be mailed to all active voters to the address at which they are registered to vote starting on October 16th. Ballots cannot be forwarded and are considered *returned mail* for purposes of changing a voter’s status to “inactive.”

If you have not voted in recent elections or you have moved, you can update your voter registration online at: [www.govotecolorado.gov](http://www.govotecolorado.gov)

You can *register* and vote in person at the Boulder County Clerk and Recorder’s Voter Service and Polling Center (VSPC) at 1750 33<sup>rd</sup> Street through Election Day. You will need valid identification and proof that you have been a resident of the State of Colorado for more than 22 days to register to vote.

Anyone who would prefer to vote in person can surrender their mail ballot and procure a polling place ballot at any VSPC. Completed mail ballots may be returned by mail or dropped off at any VSPC or drop off location of the Boulder County Clerk. In order to be counted, they must be received no later than 7 p.m. on Election night or be cast by a voter who was in line at a VSPC at 7 p.m. on Election Night.

### **Ranked Choice Voting**

In 2020, City of Boulder voters decided to elect the Mayor through Ranked Choice (instant runoff) voting. There will be no mayoral election in 2025.

During mayoral elections:

- In 2023, the term for the office of Mayor will be 3 years. Thereafter, starting in 2026 the term for the office of Mayor will be 2 years.
- Candidates may only run for Mayor or for City Council, not both.
- Sitting Council members may run for Mayor without forfeiting their seat should they not be elected Mayor.
- Mayoral candidates must form an Official Candidate Committee and follow the campaign finance disclosure requirements and regulations.

“I’ve always been supportive of the concept of ranked choice voting. We just completed our first mayor’s race in Boulder using ranked choice voting. In talking to my friends and neighbors, it went very smoothly, people understood what they were doing. They got their voice counted, regardless of who their first choice was”.

– Gov. Jared Polis

### **Campaign Finance Disclosure**

The Boulder Revised Code (Section 13-2-1, et seq.) requires financial information from ballot measure committees supporting/opposing ballot measures on a municipal election ballot. Financial disclosure is also required of any single citizen or entity (not accepting contributions) that makes an independent expenditure:

- greater than \$1,000 supporting or opposing a ballot measure or ballot measures
- greater than \$200 supporting or opposing one or more candidates for Mayor or City Council

### **Campaign Advertising Identification**

This section of the code has many changes. Below is a quick recap but make sure to review BRC 13-2-5, “Disclosure Requirements,” for complete details.

All campaign literature and advertising, whether expressly advocating or electioneering, must include the name of the *person* (individual, corporation, committee, etc.) who financed the composition, presentation or distribution of campaign materials or advertisements in the content of the materials.

**Official Candidate Committees**      “Paid for by (and the name of the committee)”

**Unofficial Candidate Committees** “Paid for by (and the name of the committee) AND “Not affiliated with any candidate or candidate committee”

**Ballot Measure Committees** “Paid for by (and the name of the committee)” AND “Major funding from (and name the top three contributors)”

**Independent Expenditures** “Paid for by (and the natural person’s name or the name of the entity)”

### **Posting of Campaign Signs**

Political campaign signs are prohibited on any public right of way or public property (including street medians) other than designated kiosks.

In all residential zoning districts, all political signs:

- Must be set back at least eighteen inches from any public sidewalk adjacent to a street or from the curb or outer edge of the roadway if there is no such sidewalk.
- Must not exceed seven feet in height.
- Must not exceed 12 square feet in total sign area, with no face larger than 6 square feet.
- One large political sign may appear that does not exceed 32 square feet in total sign area, with a face no larger than 16 square feet.
- Must be removed the day after the election.
- Before posting any political signs, permission should be obtained from the property owner.

This is a selected portion of the Boulder sign code and is not totally inclusive. The City of Boulder sign code is available for your review in Central Records at the Municipal Building, 1777 Broadway, on the city’s website at <https://bouldercolorado.gov/services/sign-code> or you may call sign code administration at 303-441-1880.

To report a sign issue, please visit Inquire Boulder under Right of Way Code Violations → Signs in the Right of Way at the link below.



<https://user.govoutreach.com/boulder/support.php?classificationId=21423>

# | Official Candidate Committees

## **How to run for City Council**

Candidates must be:

- At least 18 years of age
- Eligible to vote in the State of Colorado
- A resident of the City of Boulder for at least one year prior to the November 4<sup>th</sup> 2025 Election
- Not subject to term limits established in Section 4 of the Boulder City Charter

To begin the process of running for City Council, candidates must complete the “intent to run” form online or in person at the Penfield Tate II Municipal Building. Once the City Clerk has verified a candidate’s eligibility to run for City Council, the candidate will be given a nomination petition to gather signatures. The candidate must gather at least 25 and no more than 35 signatures from active registered voters within the city limits of Boulder.

## **Organizing an Official Candidate Committee**

No more than three days after a candidate’s petition for city council has been certified by the city clerk, the *candidate* must file an *Official Candidate Committee Statement of Organization*. Acceptance of this form by the city clerk officially recognizes the candidate’s *official candidate committee*. Every candidate must establish an official candidate committee, even if it is a committee consisting solely of the candidate. In addition, a candidate may have *only one* official candidate committee.

Following the processing of this form by the City Clerk’s Office, the City Clerk’s Office will supply the candidate with a *Confirmation of Candidacy & Committee Organization*. This document will assign a unique identification number to the candidate and her/his official candidate committee. This ID number will be used on all subsequent filings. This document may be used by the candidate/candidate committee whenever verification of candidacy is needed. For example, it can be used at a bank to assist in opening a checking account for the candidate’s campaign.

**Note:** The bank also will require an IRS tax identification number called an EIN – Employer Identification Number – to establish a checking account for a political organization. See the following section on establishing a bank account, for more information.

When completing the *Official Candidate Committee Statement of Organization*, the *candidate* will be asked for the names and addresses of candidate committee officers (treasurer, chairperson, etc.). It is important in selecting these officers to consider the skills needed to perform the various roles. It is especially important to have someone with an accounting background as the treasurer of the candidate committee. Accurate record-keeping and thorough

financial controls are essential from day one of the campaign. The city clerk has the right to request and audit the records of any city council campaign at any time after certification. Decisions on the committee treasurer and the record-keeping system should be made with this accountability requirement in mind.

**Note:** All candidates/candidate committees are required to file certain forms, whether or not any *contributions* have been collected or any *expenditures* made. Required forms need to be completed and submitted on the specified dates. (See the “Reporting Requirements” section for more information.)

### **Establishing a Campaign Bank Account**

The following information is offered as a general guideline. Please consult your bank, the IRS or your tax attorney for definitive advice on tax-related matters.

In order to open a bank account as a political organization after being certified as a *candidate*, your *official candidate committee* will need to have the proper tax identification number from the Internal Revenue Service (IRS). This number, called an Employer Identification Number (EIN), can be obtained by completing IRS Form SS-4 or calling the IRS at 1-800-829-4933. The IRS will assign your EIN over the phone. You will then need to fax or mail the completed SS-4 to the IRS. The bank will require the EIN number to open your campaign account. These are IRS requirements, not City requirements.

If a *candidate* applies for matching public funds, the check will be made in the name of the official candidate committee.

Candidates receiving matching funds must agree to accept contributions only from a natural person (no LLCs, corporations, non-profits, etc.)

## **QUALIFYING FOR MATCHING FUNDS**

### **Eligibility**

For 2025, the matching funds expenditure limit is \$23,987. To qualify to receive public matching funds, a candidate must do the following: The City of Boulder will match up to 50% of the expenditure limit, \$11,994.

#### **I. Raise at least 10%**

Raise at least 10% of the expenditure limit only from contributors who are a natural person following the rules listed below. Candidate committees must raise at least \$2,399 in order to qualify for matching funds and meet the rules below.

Rules for Meeting the 10% Fundraising Requirement:

- Only cash or cash-equivalent contributions apply. Loans or in-kind contributions do not count.



- No more than \$25 from any individual contributor counts toward the amount that must be raised. Twenty-five dollars of a candidate's own contribution from her or his personal wealth may be applied toward the 10% of expenditure limit that must be raised to qualify for matching funds.
- If information about a donor provided by a candidate cannot be verified, contributions from that donor cannot be used to help qualify a candidate for matching funds.
- Money raised by a candidate's committee is considered the same as money raised by the candidate. (Only money raised by the candidate or her/his official candidate committee counts toward eligibility.)

## **2. Matching Funds Contract**

Complete and sign the *Matching Funds Contract*. Included among the key terms of the contract are the following.

The *candidate* agrees:

- To accept only contributions from a natural person (no LLCs, non-profits, corporations, etc.).
- To limit her or his *expenditures* to a predetermined *expenditure limit*. Candidate expenditures, expenditures by the candidate's official campaign committee, and any coordinated expenditures with other *persons* all apply toward this *expenditure limit*.
- To contribute to her/his campaign no more than 20% of the *expenditure limit* from her/his own personal wealth. (This includes both monetary and non-monetary contributions.)
- To return at least 50% of any unexpended funds to the city, but not more than the matching funds received.

## **3. IRS W-9 Form**

Complete and sign the Request for Taxpayer Identification Number (Internal Revenue Service W-9 Form - needed by the city in order to issue checks).

## **4. Contributions & Expenditures Statement**

Complete an *Official Candidate Committee Contributions & Expenditures Statement*.

## **5. Signing the Contract with the City Clerk's Office**

Submit the contributions and expenditures statement and then make an appointment with the Election Administrator to submit the W-9 and sign the matching funds contract.

### **Determining the Amount of Contributions to be Matched**

*Candidates* who meet eligibility requirements can have certain types of *contributions* matched with public funds, up to a maximum of 50% of the *expenditure limit*. Use the *Official Candidate*

*Committee Contributions & Expenditures Statement* to determine the amount of *contributions* to be matched and to request matching funds (see the next section for more information).

The following restrictions apply in determining the amount of *contributions* to be matched:

- Only *contributions* of money (not loans or contributions in kind) will be matched.
- Anonymous contributions are not allowed to be retained or expended and will not be matched.
- *Contributions* with incomplete information provided by a *candidate/candidate committee* will not be matched. (It is critically important to maintain complete and accurate records of all *contributions* and *expenditures*.)
- Although a *candidate* receiving matching funds is allowed to contribute up to 20% of the expenditure limit of their personal wealth to her/his campaign, *only \$100 of the candidate's monetary contributions will be matched*.

### **Requesting Matching Funds**

*Candidates* who meet the eligibility requirements for matching funds may receive up to 50% of the expenditure limit in matching public funds. The *Official Candidate Committee Contributions & Expenditures Statement* is used to determine the amount of *contributions* to be matched and to request the matching funds. The following rules must be followed in requesting matching funds:

- Once a *candidate* has qualified for matching public funds, they may submit a request for public matching funds no more than once during any workweek (Monday – Friday).
- Each request for matching funds, except for the final request, must be for at least \$500.
- The last day that requests may be made for matching funds is October 21st<sup>21<sup>st</sup></sup>, 2025
- Although in some cases it may take less time, *candidates* should assume one week to receive a check from the city once a request for public matching funds has been submitted. Submitting accurate and complete forms will increase the chance of fast turnaround.
- *Candidates* may either pick up matching funds checks in person or have them mailed.

### **Tax Information for Candidates Requesting Matching Funds**

If a *candidate* applies for matching public funds, the name of the payee on matching funds checks will be the same as the name of the candidate's official candidate committee.

In order to receive matching funds from the city, a *Request for Taxpayer Identification Number* (IRS W-9 Form) form must be completed as one of the eligibility requirements. Again, the name used on the *W-9* must be the same name as the official candidate committee. The *W-9* form requires that a tax identification number be given.

### **Waiving the Right to Apply for Matching Funds**

*Candidates* may choose not to apply for matching public funds.

It is possible for a *candidate* to change her/his mind and later apply for matching funds if the following conditions are met:

- The candidate is in compliance with all requirements to receive matching funds; and
- The *candidate* notifies the Election Administrator in writing of the intent to apply for matching funds; and
- The *candidate* re-files all relevant *Contributions & Expenditures Statements*, the *Matching Funds Contract* and the IRS *W-9* form by October 19. This is the last day allowed for requesting matching funds.

Once the deadline has passed, additional information cannot be submitted that would increase the amount of contributions to be matched.

### **Disclosure Requirements**

Official Candidate Committees

“Paid for by (and the name of the committee)”

### **Filing Requirements**

*Candidates/official candidate committees* are required to file certain forms, whether or not *contributions* have been collected or *expenditures* made.

### **Required Forms**

*Candidates* and *candidate committees* must use electronic forms provided by the city to meet the reporting requirements described in this document. After becoming a certified candidate, you will be issued a username and password that will allow you to access these forms. Required forms will be submitted online. *If not otherwise stated on the form, information must be current and accurate at least as of 5 p.m. on the day prior to the filing date.*

### **Changes to Information Submitted**

If information that has been submitted changes, such as a change in an officer of a *candidate committee*, you must re-file the information within three days of the change.

If you find an error in information that has been submitted to the city, please contact the elections administrator in the City Clerk’s Office for directions on how to document and correct the erroneous information. This should be done as soon as possible, but no more than three days after finding the error.

If a *candidate/candidate committee* is notified by the city of an unmet reporting requirement, incorrect information or incomplete information, the *candidate/candidate committee* must provide the required information within 72 hours of notification.

# | Unofficial Candidate Committees

## **Organizing an Unofficial Candidate Committee**

No more than three days after an *unofficial candidate committee* receives a contribution or obligates itself to make an expenditure, it must file an *Unofficial Candidate Committee Statement of Organization*. Acceptance of this form by the city clerk recognizes the *committee*.

Following the processing of this form by the City Clerk's Office, the committee will be sent a *Confirmation of Committee Organization*. This document will assign a unique identification number, which will be used by the committee on all subsequent filings. The committee may use this document whenever verification is needed. For example, it can be used at a bank to assist in opening a checking account for the committee's campaign.

The *Unofficial Candidate Committee Statement of Organization* asks for the names and addresses of committee officers (treasurer, chairperson, etc.). It is important in selecting these officers to consider the skills needed to perform the various roles. It is especially important to have someone with a bookkeeping background as the treasurer. Accurate record-keeping and thorough financial controls are essential from day one of the campaign. The city clerk has the right to request and audit the records of any campaign at any time, including after Election Day. Decisions on the committee treasurer and the record-keeping system should be made with this accountability requirement in mind.

## **Establishing a Campaign Bank Account**

The following information is offered as a general guideline. Please consult your bank, the IRS or your tax attorney for definitive advice on tax-related matters.

In order to open a bank account as a political organization, your *unofficial candidate committee* will need to have a tax identification number from the IRS. This number, called an Employer Identification Number (EIN), can be obtained by completing IRS Form SS-4 or calling the IRS at 1-800-829-4933 or applying online. The IRS will assign your EIN over the phone. You will then need to fax or mail the completed SS-4 to the IRS. The bank will require the EIN number to open your campaign account.

## **Expenditure Limits**

There are no *expenditure limits* for unofficial candidate committees.

It is important to note that any *expenditures* by other persons, if they are coordinated in any way with the *candidate*, the *official candidate committee* or any agent of the *candidate*, are *coordinated expenditures* and also apply toward the *candidate's expenditure limit*.

## **Disclosure Requirements**

Unofficial Candidate Committees

“Paid for by (and the name of the committee)” AND  
“Not affiliated with any candidate or candidate  
committee.”

## **Required Forms**

*Unofficial candidate committees* must use forms provided by the city to meet the reporting requirements described in this document.

When submitting required reports, if not otherwise stated on the form, information must be current and accurate at least as of 5:00 p.m. on the day before the filing date.

## **Changes to Information Submitted**

If previously submitted information changes, such as a change of an officer of a *committee*, you must re-file the information within three days of the change.

If you find an error in information that has been submitted to the city, please contact the Elections Program Administrator in the City Clerk’s Office for directions on how to document and correct the erroneous information. This should be done as soon as possible, but no more than three days after finding the error.

If a *committee* is notified by the city of an unmet reporting requirement, incorrect information or incomplete information, the *committee* must provide the required information within 72 hours of notification.

## **Unexpended Campaign Contributions**

At the end of the campaign, any unexpended *contributions* must be either donated to a charitable organization (recognized under the Internal Revenue Code, §501(c)(3)) or returned to contributors.

# | Ballot Measure Committees

## **Organizing an Ballot Measure Committee**

No more than three days after a ballot measure committee receives a contribution or obligates itself to make an expenditure, it must file an *Ballot Measure Committee Statement of Organization*. Acceptance of this form by the city clerk recognizes the *committee*. You begin by sending the Election Administrator an email with the name of your committee and the committee's email address. You will then be sent an email with a user name (which will be your committee ID) and password to log on to the city's election web site.

Following the processing of this form by the City Clerk's Office, the committee will be sent a *Confirmation of Committee Organization*. This document will assign a unique identification number, which will be used by the committee on all subsequent filings. The committee may use this document whenever verification is needed. For example, it can be used at a bank to assist in opening a checking account for the committee's campaign.

The *Ballot Measure Committee Statement of Organization* asks for the names and addresses of committee officers (treasurer, chairperson, etc.). It is important in selecting these officers to consider the skills needed to perform the various roles. It is especially important to have someone with a bookkeeping background as the treasurer. Accurate record-keeping and thorough financial controls are essential from day one of the campaign. The city clerk has the right to request and audit the records of any campaign at any time. Decisions on the committee treasurer and the record-keeping system should be made with this accountability requirement in mind.

## **Establishing a Campaign Bank Account**

The following information is offered as a general guideline. Please consult your bank, the IRS or your tax attorney for definitive advice on tax-related matters.

In order to open a bank account as a political organization, your *committee* will need a tax identification number from the Internal Revenue Service. This number, called an Employer Identification Number (EIN), can be obtained by completing IRS Form SS-4 or calling the IRS at 1-800-829-4933 or applying online. You will then need to fax or mail the completed SS-4 to the IRS. The bank will require the EIN number to open your campaign account.

## **Expenditure Limits**

There are no *expenditure limits* for ballot measure committees.

## **Anonymous Contributions**

If anonymous contributions are received, they must be processed as follows:

- Anonymous means the *committee* is unaware of the name of the contributor.

- The *committee* must retain, until at least six months after the election, the envelope or other contained in which the anonymous contribution arrived, any other material that arrived with the contribution, a photocopy of the contribution itself

**Unexpended Campaign Contributions**

At the end of the campaign, any unexpended *contributions* must be either donated to a charitable organization (recognized under the Internal Revenue Code, §501(c)(3)) or returned to the contributor.

**Disclosure Requirements**

Ballot Measure Committees	“Paid for by (and the name of the committee)” AND “Major funding from (and name the top three contributors)”
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**Filing Requirements**

*Ballot measure committees* are required to file certain forms on specified dates whether or not *contributions* have been collected or *expenditures* made.

**Required Forms**

*Ballot measure committees* must use forms provided by the City to meet the reporting requirements described in this document.

When submitting required reports, if not otherwise stated on the form, information must be current and accurate at least as of 5:00 p.m. on the day before the filing date.

**Changes to Information Submitted**

If previously submitted information changes, such as a change of an officer of a *committee*, you must re-file the information within three days of the change.

If you find an error in information that has been submitted to the City, please contact the Election Administrator in the City Clerk’s Office for directions on how to document and correct the erroneous information. This should be done as soon as possible, but no more than three days after finding the error.

If a *committee* is notified by the City of an unmet reporting requirement, incorrect information or incomplete information, the *committee* must provide the required information within 72 hours of notification.

# | Campaign Finance Due Dates

## Summary of Forms and Due Dates for Committees

Form No.	Form Title	Due Dates for Committees
13-2-6 (b) (1) (C)	<i>Statement of Organization</i>	No more than 3 days after the committee receives a contribution or obligates itself for an expenditure the committee shall file a <i>Statement of Organization</i> .
13-2-6 (c)	<i>Contributions &amp; Expenditures Statement</i>	<p>Seven (7) Required Filings</p> <ol style="list-style-type: none"> <li>1. No more than 3 days after the committee receives a contribution or obligates itself for an expenditure</li> <li>2. 42<sup>nd</sup> day prior – September 23<sup>rd</sup>, 2025</li> <li>3. 28<sup>th</sup> day prior – October 7<sup>th</sup>, 2025</li> <li>4. 21<sup>st</sup> day prior – October 14<sup>th</sup>, 2025</li> <li>5. 14<sup>th</sup> day prior – October 21<sup>st</sup>, 2025</li> <li>6. Thursday prior – October 30<sup>th</sup>, 2025</li> <li>7. No later than 30 days after the election – December 4<sup>th</sup>, 2025</li> </ol>



# | Independent Expenditures

*Independent expenditures* can be made by (1) either a natural person (human, using personal funds) or (2) a person (different types of entities, using general treasury funds) that *do not collect contributions* and do make express advocacy expenditures to support or oppose candidates or ballot measures. Reporting requirements are triggered when expenditures are in excess of \$200 for mayoral or city council candidates, or \$1,000 for ballot measures. If you or your group collect contributions, you must file as a *ballot measure committee* or *unofficial candidate committee*.

## **Due Dates for Independent Expenditures**

Following each independent expenditure, an expenditure statement must be filed following the schedule found in BRC 13-2-6 (c) (2).

1. Prior to September 23<sup>rd</sup>, 2025, no more than 3 days after the expenditure.
2. From September 23<sup>rd</sup>, 2025, file on the following days:
  - 42<sup>nd</sup> day prior – September 23<sup>rd</sup>, 2025
  - 28<sup>th</sup> day prior – October 7<sup>th</sup>, 2025
  - 21<sup>st</sup> day prior – October 14<sup>th</sup>, 2025
  - 14<sup>th</sup> day prior – October 21<sup>st</sup>, 2025
  - Thursday prior – October 30<sup>th</sup>, 2025
  - No later than 30 days after the election – December 4<sup>th</sup>, 2025

## **Disclosure Requirements**

Anyone (individual, corporation, committee, etc.) making an *independent expenditure* in excess of \$1,000 for the composition, presentation or distribution of posters, advertisements, leaflets, brochures, letters, postcards, records or tapes that expressly oppose or support candidate(s) or ballot measure(s) must include:

Independent Expenditures      “Paid for by (and the natural person’s name or the name of the entity paying for the ad).”

# | Restricted Campaign Activities

## **Restrictions on Increased Fees for Municipal Election Advertising BRC 13-2-4 (e)**

City Code states that no person who sells space in a newspaper or magazine to a candidate and committee to use in connection with a municipal election may charge an amount for such space which exceeds the amount charged for comparable use of such space for other purposes.

## **Restrictions on Contributions in Another's Name BRC 13-2-4 (b)**

Contributors are prohibited from making a contribution in someone else's name. Candidates and committees are prohibited from knowingly accepting a contribution from one person in the name of another person.

## **Restrictions on Misrepresentation of Campaign Authority BRC 13-2-4 (f)**

Candidates, committees and their agents are prohibited from making any fraudulent misrepresentations or acting for or on behalf of another *candidate* or *committee* on a matter that is damaging to the other *candidate* or *committee*. Knowingly participating in or conspiring in a plan to do so is also prohibited.

## **COMPLIANCE AND ENFORCEMENT OF CAMPAIGN VIOLATIONS**

### **Campaign Finance Violations and Penalties**

#### **Criminal Acts and Penalties**

The following acts are prohibited by Chapter 13-3:

- Filing required statements that knowingly contain false information.
- Failing to file a required statement within 72 hours of being notified by the city clerk.
- Failing to provide required information necessary to complete a required statement within 72 hours of being notified by the city clerk.
- Knowingly misstating or misrepresenting the names of persons required to be disclosed by Chapter 13-2
- Failing to comply with any of the other requirements of Chapter 13-2

Any person convicted of a violation of any of the above is subject to a fine not to exceed \$1,000.

#### **Civil Action**

In lieu of filing a complaint with the city and upon meeting the requirements of B.R.C. subsection 13-3-10 (b), any registered elector of the city may bring a private civil action.

**Allegation of Election Code Violation by Registered Elector**

- Any registered elector of the City of Boulder who believes there has been a violation of Chapter 13-2, “Campaign Finance, Disclosure and Reporting Requirements,” B.R.C. 1981 may file an election complaint with the City Clerk’s Office. The request must include, among other requirements, identification of the particular provisions of Chapter 13-2 that were allegedly violated. See Chapter 13-3, “Allegation of Election Code Violation by Registered Elector,” for complete information.
- Section 13-3-4, “Action by the City Clerk,” provides for four possible determinations: (a) that a violation, if any, can be cured; (b) that there is no probable cause that further investigation would disclose a violation; (c) that there is probable cause of a violation and a decision can be made without a hearing; and (d) that there is probable cause of a violation and additional facts are necessary to make a final determination on the violation.
- If additional facts are necessary, a hearing shall be held.
- The complaint, any written direction by the city clerk to a respondent to cure a violation, the final results of the clerk’s inquiry or investigation and the clerk’s final decision will be made public unless there is good cause (i.e., interference with pending litigation, criminal prosecution or disclosure of a person’s identity where such disclosure could affect the safety of that person). See section 13-3-9, “Confidentiality of Investigation,” for further details.

# | Frequently Asked Questions (FAQs)

The following are answers to questions asked frequently about various aspects of the Campaign Finance Reform Initiative passed by City of Boulder electors in 1999. It may also be helpful to refer to the Key Definitions section.

## Contributions

- **Exactly when does a *contribution* occur?**

A *contribution* occurs when the *contribution* is received and accepted or when there is a contractual agreement and the amount is determined.

- Whoever signs a contribution check is considered the contributor, even if the check is written on a joint bank account.
- A *contribution* check is reported received on the date you get the check, not on the date you deposit it to the bank.

There are no limitations on *contributions* to *ballot measure committees*.

- **How do I distinguish between *contributions in kind* and normal volunteer services?**

First, review the definition of *contribution in kind* in the Key Definitions Section of this document.

Perhaps the easiest way to distinguish the two is to think of an *contribution in-kind* as a “hard” contribution – i.e., there is something concrete donated (a gift or loan of real or personal property, other than money, or the purchase of personal services), and to think of volunteer services as a “soft” contribution (the donation of a person’s time).

Examples of *contributions in kind* include:

- The use of office space at no charge, for which there normally is a fee.
- The donation of food for a campaign rally (unless it is a potluck dinner).
- The donation of paper to be used for campaign brochures.
- Time spent working on a campaign for which the person is being paid by someone other than the *committee*.

To determine the value of an *contribution in-kind*, determine its reasonable fair market value (highest estimated price that a buyer would pay, and a seller would accept for an item in an open and competitive market). *Contributions in-kind* **never** involve a reimbursement.

Examples of volunteer services include:

- Someone volunteering unpaid time to distribute campaign literature.
- Someone volunteering unpaid time to make phone calls.

- Someone volunteering unpaid time to create a database of campaign information.

The volunteer services consist of donated, uncompensated time to do the work of the campaign.

The fact that a volunteer is creating something of value, such as the database, does not make it an *contribution in-kind*, although these types of situations can be the most confusing. Perhaps the following example will help:

If Mary Jones volunteers her time to create a database, it is considered volunteer work and is not reported. If Mary Jones pays for someone else to create a database, it is a *contribution in-kind*, and is reported. If Mary Jones is paid by someone else to create a database, that payment is a *contribution in-kind* and is reported.

Normally, if someone pays to have services provided to a *candidate* or *committee*, those services are considered to be an *contribution in-kind*. However, there are two important exceptions that have been upheld by the courts. Certain types of paid-for legal and accounting services are not considered *contributions in-kind* if they meet the following criteria:

- The *person* paying for the services is the regular employer of the individual providing the services;
  - The services provided are either legal services or accounting services;
  - The services are solely for the purpose of helping the *candidate/committee* comply with election laws.
- **Can my campaign *committee* and volunteers have a potluck dinner or is the food that people prepare considered an *in-kind contribution* to the campaign?**

If everyone is asked to bring food to share with everyone else, the food is not considered an *in-kind contribution*. However, if only a select few are providing the food for the group, then the food would be considered an *in-kind contribution*.

### ***Expenditures***

- **Exactly when do *expenditures* occur?**  
An *expenditure* occurs when the actual payment is made or when a contract is agreed upon, whichever comes first.
- **What if someone doesn't follow the election laws/rules or adhere to the terms of the contract for matching funds?**  
There are serious penalties for anyone found to be in violation of the election laws or the terms of the contract with the City. For example, any person convicted of a violation of Chapter 13-2, B.R.C. 1981 is subject to a fine not to exceed \$1,000.

### ***Electioneering***

2. ***What is the difference between express advocacy and electioneering communications?***

Express advocacy contains words or symbols that appeal to voters to vote for or against a *specific* candidate(s) or ballot measure(s). Electioneering communications are messages that taken as a whole and in context unambiguously refers to a candidate, is distributed to an audience that includes residents of the city and is distributed between the time that potential candidates confirm for the ballot (August 6, 2019) and the end of the election cycle (November 5, 2019), regardless of whether the communication contains express advocacy. A communication may both contain express advocacy and be an electioneering communication.

### ***Getting Help***

- **Who do I contact if I have questions?**

Contact the Election Administrator John Morse, [morsej@bouldercolorado.gov](mailto:morsej@bouldercolorado.gov), 303-413-7806 in the City Clerk's Office.

# | Definitions

The following definitions are provided for your reference:

***Advertisement*** means any notice, announcement, bulletin, materials, display, handout or similar materials, or radio or video messages, distributed or posted to convey support for or opposition to a candidate or ballot measure.

***Ballot measure*** means any amendment to the city charter, and any initiative, referendum, or recall for which petitions have been properly certified by the city clerk for submission to the city council, or any ordinance, issue, or question - put to a vote of the electors of the city of Boulder under the provisions of the city charter. For purposes of this chapter only, "ballot measure" also includes any initiative, referendum, or recall for which a petition committee has submitted a proposed petition to the city clerk. Such term does not include any question placed on the ballot by the United States, the State of Colorado, or any political subdivision thereof other than the city.

***Ballot measure committee*** means any person who accepts contributions, or any two or more persons who make expenditures, for the purpose of supporting or opposing a ballot measure at a city election, regardless of whether they have obtained the consent of the proponents of the ballot measure.

***Committee*** means a candidate committee, an unofficial candidate committee, or a ballot measure committee, unless the context indicates that it can mean only one or two of these types of committees.

***Contribution*** means:

- (a) Any payment, loan, pledge, or advance of money, including, without limitation, checks received but not deposited or payments made by credit card, or guarantee of a loan, made to or for the benefit of any candidate or committee;
- (b) Any payment made to a third party for the benefit of any candidate or committee, including, without limitation, the use of a credit card to secure such benefit;
- (c) Anything of value given, directly or indirectly, to a candidate for the purpose of promoting the candidate's election, including, without limitation, commercial services such as banking, printing, and mailing services;
- (d) With regard to a contribution for which the contributor receives compensation or consideration of less than equivalent value to such contribution, including, without limitation, items of perishable or nonpermanent value, goods, supplies, services, or participation in a campaign-related event, an amount equal to the value in excess of such compensation or consideration; or

(e) A contribution in-kind.

Contribution does not include services provided without compensation by individuals volunteering their time on behalf of a candidate or committee.

***Contribution in-kind*** means the fair market value of a gift or loan of any item of real or personal property, other than United States currency, made to or for any candidate or committee for the purpose of influencing the passage or defeat of any issue or the election or defeat of any candidate. Personal services are a contribution in-kind by the person paying compensation therefor. In determining the value to be placed on contributions in-kind, a reasonable estimate of fair market value shall be used by the candidate or committee. Contributions of foreign currency or cryptocurrency are contributions in-kind. Contribution in-kind does not include an endorsement of a candidate or a ballot measure by any person, nor does it include the payment of compensation for legal or accounting services rendered to a candidate if the person paying for the services is the regular employer of the individual rendering the services and the services are solely for the purpose of ensuring compliance with the provisions of this title.

***Distributing, distribution, or distributed*** refers to any communication broadcast by television, radio, cable or satellite to residents of the city; printed in a newspaper, magazine, or other periodical, or billboard, that reaches residents of the city; directly mailed or delivered by hand to personal residences in the city; or delivered for a fee digitally or by telephone, or similar means or communication targeted to residents of the city.

***Election cycle*** means the period from the day after an election until the day of the election in the following year.

***Electioneering communications*** means any communication that is:

- (a) Taken as a whole and in context unambiguously referring, in writing or pictorially, to any candidate;
- (b) Distributed before the end of the election cycle and after the first date a city council candidate nomination petition could be certified for any candidate; and
- (c) Distributed to an audience that includes residents of the city;

***Electioneering communication*** does not include:

- (a) Any communication by persons, other than committees, made in the regular course and scope of their business;
- (b) Any communication made by a membership organization solely to members or such organization and their families;
- (c) Any communication that refers to a candidate or ballot measure only as part of the popular name of a bill or statute;



- (d) The original broadcast or distribution of any news articles, editorial endorsements, opinions, commentary writings, or letters to the editor, through media not owned or controlled by a candidate, committee, or a person contributing over \$1,000 towards the original broadcast or printing; or

**Entity** means any person or group of persons, other than one natural person, that makes contributions or expenditures, including without limitation corporations, partnerships, limited liability companies, limited liability partnerships, commissions, enterprises, or any other formal or informal associations or organizations.

**Expenditure** means the payment, distribution, loan, or advance of any money, whether in cash, by check, as a credit card charge, or otherwise. Expenditure also includes the payment, distribution, loan, or advance of any money by a person for the benefit of a candidate or committee that is made with the prior knowledge and consent of an agent of the candidate or committee. An expenditure occurs when the actual payment is made or when a contract is agreed upon, whichever comes first. Consent may be implied from collaboration and need not be express.

**Express Advocacy** means any communication that contains words urging election or defeat, such as "vote for," "support," "cast your ballot for," "vote against," "defeat," "reject," "Smith for Congress," "endorse," or any communication, by words or symbols, which is the functional equivalent of express advocacy because it is susceptible to no other reasonable interpretation than as an appeal to vote for or against a specific candidate or ballot measure.

**Fair market value** means the amount a willing buyer and a willing seller would pay for the product or service when neither was under any obligation to do so.

**Independent expenditure** means an expenditure by any person for the purpose of creating or disseminating express advocacy or electioneering communications, which expenditure is not controlled by, coordinated with, or made upon consultation with any committee or any agent of such committee. Independent expenditure does not include expenditures made by persons in the regular course and scope of their business, including political messages sent solely to members.

**Loan** means providing something of value, including money, to another, with a promise, express or implied, that money will be paid in the future for the item of value.

**Natural person** means a human being.

**Published** means a writing presented for distribution in exchange for money or other item of value.

***Solicitation*** means a written or oral or other endeavor to obtain, seek or plead for money or other item of value.

***Top contributors*** mean the persons from whom the ballot measure committee paying for a communication has received its three largest cumulative contributions of \$1,000 or more for a communication that includes express advocacy as of the date of the first broadcast or other distribution of the communication.

## | Additional Resources

- [The Charter of the City of Boulder Colorado](#)
- [Boulder Revised Code – Title 13 Elections](#)
- [Ordinance 8317 - Elections](#)
- [Colorado Revised Statutes – Title 1 Elections](#)